

Service Date: February 2, 1987

FINAL ORDER NO. 5765

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of	)	DOCKET NO. T-8989
W. RODGER FULTZ, Fort Benton, Montana	)	
for a Certificate of Public Conven-	)	ORDER NO. 5765
ience and Necessity.	)	

The Commission, having taken evidence and being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On September 22, 1986, W. Rodger Fultz, Box 14, Fort Benton, Montana 59442, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing the transportation of bulk liquid fertilizer and its components, Class C, between all points and places in the following counties: Chouteau, Fergus, Judith Basin, Teton and Pondera.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public October 3, 1986. That notice said in pertinent part:

If no written protests are received by October 23, 1986, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests to the application were filed by Dixon Bros., Inc., Newcastle, Wyoming, and Dick Irvin, Inc., Shelby, Montana. Docket T-8989 was noticed for public hearing on November 7, 1986. On November 26, 1986, Applicant restrictively amended his application to limit the proposed transportation to those shipments originating or terminating at Nutra Grow of Denton or Agri-Basics of Geraldine. All protests were subsequently withdrawn and the hearing was not held.

4. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this

proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

#### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 2nd day of February, 1987, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-8989, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of W. RODGER FULTZ, Fort Benton, Montana for a Certificate of Pulic Convenience and Necessity IS GRANTED to the following extent: Class C - Bulk liquid fertilizer and its liquid ingredients between all points and places in the following counties: Chouteau, Fergus, Judith Basin, Teton, and Pondera. Limitations: All shipments must originate or terminate at Nutra Grow of Denton or Agri-Basics of Geraldine.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 2nd day of February, 1987, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

---

CLYDE JARVIS, Chairman

---

JOHN DRISCOLL, Commissioner

---

HOWARD ELLIS, Commissioner

---

TOM MONAHAN, Commissioner

---

DAN OBERG, Commissioner

ATTEST:

Ann Purcell  
Acting Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.